

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Victor Alicea,

Civil No. 05-920 (DWF/SRN)

Petitioner,

v.

ORDER

J. F. Caraway,

Respondent.

Victor Alicea, *Pro Se*, #04684-090, Petitioner.

Tracy T. Braun, Assistant United States Attorney, United States Attorney's Office.

This matter is before the Court upon Defendant's objections to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated June 3, 2005, recommending that Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 be summarily dismissed.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of the parties, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c).

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Victor Alicea's objections (Doc. No. 5) to Magistrate Judge Susan Richard Nelson's Report and Recommendation dated June 3, 2005, are **DENIED**.

2. Magistrate Judge Susan Richard Nelson's Report and Recommendation dated June 3, 2005 (Doc. No. 4), is **ADOPTED**.

3. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 (Doc. No. 1), is summarily **DISMISSED**.

Dated: July 7, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court